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PUBLIC ACCOUNTS COMMITTEE

(1988-91)

FIFTIETH REPORT

(EIGHTH ASSEMBLY)

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE
ACTION TAKEN OR PROPOSED TO BE TAKEN BY THE
GOVERNMENT ON THE VARIOUS RECOMMENDATIONS,
SUGGESTIONS OR REMARKS MADE IN THEIR
THIRTY EIGHTH REPORT PERTAINING TO WEL-
FARE OF PLAINS TRIBES AND BACKWARD
CLASSES DEPARTMENT, GOVERNMENT
OF ASSAM WITH REFERENCE TO THE
COMPTROLLER AND AUDITOR
GENERAL OF INDIA'S REPORT
1974-75 TO 1981-82
(CIVIL)



Presented to the House on 4th December, 1989

ASSAM LEGISLATIVE ASSEMBLY, DISPUR, GUWAHATI-6.

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COMPOSITION OF THE COMMITTEE

(1988-91)

CHAIRMAN :

1. Shri A. F. Golam Osmani

MEMBERS :

2. Shri Kamala Kalita
3. Shri Pradip Hazarika,
4. Shri Joy Prakash Tewari,
5. Shri Silvius Condpan,
6. Shri Sheikh Abdul Hamid,
7. Shri Ranendra De,
8. Shri Chandra Mohan Patowary,
9. Shri Abdul Rob Laskar,
10. Shri Abhijit Sarma,

SECRETARIAT :

1. Shri S. N. Deka, Secretary,
2. Shri S. K. Changmai, Liaison Officer,
3. Shri A. R. Chetia, Under Secretary,
4. Shri P. Deuri Bharali, Superintendent.

INTRODUCTION

1. I, Shri A. F. Golam Osmani, Chairman of the Committee on Public Accounts, having been authorised to submit the Report on their behalf present this Fiftieth Report of the Committee on Public Accounts on the action taken or proposed to be taken by Government on their Thirty Eighth Reports pertaining to Welfare of Plains Tribes and Backward Classes Department, Government of Assam with reference to the Comptroller and Auditor General of India's Reports for the years 1974-75 to 1981-82 (Civil).

2. The Written Memorandum on actions taken or proposed to be taken by Government were considered after taking oral evidence from the Commissioner and Secretary to the Government of Assam, Welfare of Plains Tribes and Backward Classes Department by the Committee in its sitting held on 2nd March and 4th June, 1989.

3. The Committee has considered the draft report and adopted the same in its sitting held on 22nd November 1989.

4. The Committee places on records their appreciation to the staineous works done by the outgoing Committees on Public Accounts at Annexure—'A' in formulating the 38th Report. The Committee also wishes to express their thanks to the representatives of the Government in the Welfare of Plains Tribes and Backward Classes Department for their kind Co-operation in furnishing the relevant information/clarifications to the Committee.

Dispur:
The 22nd Nov. 1989.

A. F. GOLAM OSMANI
Chairman,
Committee on Public Accounts.

THE ACTION TAKEN OR PROPOSED TO BE TAKEN BY THE GOVERNMENT ON THE VARIOUS RECOMMENDATIONS/ SUGGESTIONS OR REMARKS MADE BY THE PUBLIC ACCOUNTS COMMITTEE IN THEIR THIRTY EIGHTH REPORT ON THE COMPTROLLER AND AUDITOR GENERAL OF INDIA'S REPORT 1974-75 TO 1981-82 (CIVIL).

NON-UTILISATION OF GRANTS :

[Para 1. 1. 6 of 38th Report at page 4 of Public Accounts Committee on Audit para 6. 13 Comptroller and Auditor General of India (Civil) 1974-75]

RECOMMENDATION ON 38TH REPORT

1.1 The Committee therefore recommends that a through probe should be instituted on the matter of misutilisation of sanctioned money and a report of the same should be submitted to the Committee within three months from the date of presentation of this report.

REPLY OF THE DEPARTMENT

1.2 Out of the balance of Rs. 9.76 lakhs remained unutilised with the DCs/SDOs/Others at the end of 1974-75, Rs. 2,14,353.85 were remitted by the DCs/SDOs/Others to the Managing Director, Assam Plains Tribes Development Corporation (APTDC) as per instruction of the WPT & BC Department. Out of the latter amount the WPT & BC Department converted Rs. 2,02,442.14 (Rupees two lakhs two thousand four hundred forty two and fourteen paise) only as the share capital of the Corporation vide letter No. TAD/SC/357/75/145, dated 14th February 1978. The balance of Rs. 11,911.71 (Rupees eleven thousand nine hundred eleven and paise seventy one) only is with the APTDC. Considering the importance of the matter, the Deputy Secretary, WPT & BC Department has been specifically instructed to check up from the relevant past records in order to ascertain the following :—

- (1) The position regarding Rs. 7,61,646.15 (i.e. Rs. 9,76,000/— minus Rs. 2,14,353.85) lying with different DCs/SDOs/Others.

- (2) Reasons for the long time taken by the various DCs/SDCs/Others in the utilisation of the originally sanctioned grant of Rs. 16.34 lakhs sanctioned in 1970-71 (resulting in the Non-Utilisation of Rs.9.76 lakhs by the end of 1974-75).

Whatever may be the specific reasons, the point still remains that this grant could not be utilised for the originally sanctioned purposes. The grants were originally sanctioned for the benefit of the Scheduled Tribes (Plains). Taking overall consideration of the matter, one may appreciate the decision of the WPT & BC Department to convert Rs. 2,02,442.14 (Rupees two lakhs two thousand four hundred and forty two and paise fourteen) only into share Capital of APTDC, an organisation, meant for doing Welfare work for the Schedule Tribes (Plains) of the State. To this extent, this amount is implied to be utilised towards the benefit of the Scheduled Tribes (Plains) persons. The balance amount of Rs. 11,911.71 lying with the Corporation may be allowed to be used by the Corporation for the benefit of the Scheduled Tribals (Plains) people.

OBSERVATION/RECOMMENDATION

1.3.1 The Public Accounts Committee in their 38th Report recommended for a thorough probe into the misutilization of money and to submit a report thereof. The Department have not furnished the report as called for within the stipulated time. However, the Commissioner & Secretary of the Department (Shri T.K. Kamilla, I.A.S.), appeared before the Committee and narrated the departmental action already taken and proposed to be taken on the issue involved. The deposition is quoted here for proper appraisal :

"While I agree with the Hon'ble Member that there is general outcry about the shortage of fund but there is a situation where the problem is otherwise. Coming to the specific case of sanction, in this case, Rs.16.34 lakhs was sanctioned in 1970-71 by the WPT & BC Department to different DCs/SDos for doing various Welfare acts for Scheduled Tribes. The money remained unutilized for quite some time. The fund was channelised through DCs SDos. It was found at the end of 1974-75 that an amount of Rs.9.76 lakh was lying with

DCs/SDos. That means an amount of Rs. 7 lakh or so was only disbursed by them. Why they could not utilise the full amount sanctioned to them for the benefit of S/Tribes is really a matter which concerns us. So, I asked the Deputy Secretary to check up the relevant past records to find out the actual position. But without hazarding risk of contradiction, just a mere supposition I would like to put here is that perhaps this was happened because as you all know that DCs/SDOs are not officers belonging to any Department. It is a general type of observation I am making. DCs/SDOs, they are busy with multifarious activities concerning many Government Departments and WPT & BC is one of such Department where they have to react. The Department will certainly find out the constraints as to why this was not utilised. I must admit that the Legislature have sanctioned the money for a specific purpose and that money was not utilised. There was failure on the part of the department, it is an admitted fact. One point is very clear that we have to spend the money for which it was sanctioned. I think that the wisdom is that we learn from the past experiences. On the point that the money should be spent for the purpose for which it was sanctioned. But one thing you will appreciate that the money amounting to Rs. 2 lakhs and aid was given to the Corporation which also do the Welfare work for the Scheduled Caste and Scheduled Tribes. So when it was given to the Corporation it was given for the Welfare of these people for whom the money was originally sanctioned and not for general purpose. The point is it could not be spent for the original purpose”.

1.3.2. In relation to this para as incorporated in the 38th Report, an issue has been pointed. The Primary point here is that the funds made available to the Department for specific projects were not spent at the lowest level, and the poor people were deprived of the benefit out of the funds. Money could not be spent for the purpose it was sanctioned. So the money was allowed to be diverted to Plains Tribal Development Corporation or Assam. S. C. Development Corporation. As stated by the witness it was given to D.C.s/S. D. Os, by an agency to whom it was returned at the end of the year. Money was not given to the people for whose benefit it was sanctioned by the Department under specific scheme or projects. It is not the question of money being

sent back to the agency in an earlier year. Public Accounts Committee is more interested to know whether that type of thing is still happening. If we go by the study of the situation as given out in the Public Accounts Committee's Report on the Comptroller and Auditor General's observations for the year 1974-75 to 1981-82, in a reply given from the Department we find that in the succeeding year i.e. 1982-83 to 1986-87 money sanctioned for the specific purpose could not be utilised or diverted to the three corporations under the Department, viz. A.P.T.D.C., A.S.C.D.C. and O.B.C.C. If the Department gives Public Accounts Committee a comprehensive report over all these years, it will make the position more understandable whether the same practice is continuing over all these years.

1.3.3. The Committee, therefore, recommends that a report should be made available after proper enquiry by an officer not below the rank of Secretary which should cover the years from 1982-83 to 1986-87. The report should include inter alia the budget allocation, money spent, amount given to the corporations and their utilization and money left unspent yearwise and schemewise and the same should be submitted within a period of 3 months from the Presentation of this Report to the House.

DRAWAL OF MONEY IN ADVANCE OF REQUIREMENT

[Para 1.2.11 and 1.2.12 of 38th Report at Page 6 of Public Accounts Committee on Audit Para 6.10 Comptroller and Auditor General of India 1975-76 (Civil)]

RECOMMENDATIONS IN 38TH REPORT

2.1.1 The Committee feels that the consumption loan should be distributed properly in time with a view to render effective help to needy tribal and other backward classes people for their economic development and upliftment.

2.1.2 The Committee, therefore, recommends that an inquiry should be instituted to ascertain the irregular diversion of fund resulting failure of the scheme and responsibility should be fixed on the person/persons found guilty. The report of the enquiry should be submitted to the Committee within three months from the date of presentation of this report to the House.

REPLY OF THE DEPARTMENT

2.2 The TA and WBC Department accorded Government sanction vide letter No. TAD/CO/596/75/97, dated 29th March 1976 for Rs. 94 lakhs (Rupees ninety-four lakhs) only in favour of Assam Plains Tribes Development Corporation (APTDC) for being given as Consumption Loan to the Scheduled Tribes (Plains) persons in the ITSP areas. By letter No. TAD/CO/373/76/12, dated 2/4th April, 1977 the WPT & BC Department intimatd APTDC that Rs. 5,12,238/- (Rupees five lakhs twelve thousand two hundred and thirty-eight) only were to be paid to the Managing Director of Assam State Text Book Production and Publication Corporation Limited, for the Printing of Bodo Text Books in Devnagri script. Further, an amount of Rs. 28,33,762.00 (Rupees twenty-eight lakhs thirty-three thousand seven hundred and sixty-two) only were set apart, at the instance of the WPT & BC Department for the construction of village roads by PWD vide No. TAD/SUB/314/87/31, dated 7th March 1980 from WPT & BC Department to Managing Director of APTDC. These two amounts together add upto Rs. 33,46,000/- (Rupees thirty three lakhs and forty-six thousand) only. The WPT & BC Department sanctioned an amount of Rs. 1,21,85,000.00 (Rupees one crore twenty-one lakhs and eighty-five thousand) only as share capital of APTDC vide sanctioning letter No. TAD/SUB/214/78/15, dated 23rd March 1979 but subsequently, the WPT & BC Department asked the Corporation to utilise the above mentioned amount for the purposes:—

(1) Minor Irrigation	Rs. 65,00,000/-
(2) Consumption Loan	Rs. 33,85,000/-
(3) Industrial Bankable Loans	Rs. 23,00,000/-

Total Rs. 1,21,85,000/-

Thus an amount of Rs. 33,85,000/- plus Rs. 60,54,000/- the latter amount (being the difference between Rs. 94 lakhs originally sanctioned as Consumption Loan and Rs. 33,46,000/—) were the amounts, available with the APTDC for Consumption Loan purposes. That is to say, Rs. 94,39,000.00 (Rupees ninety-four lakhs thirty-nine thousand) only are the amounts available with the Corporation for being given as the Consumption Loan, as it stood by the

end of March, 1980. Since then, the Corporation has disbursed various amounts of Consumption Loans to Scheduled Tribes (Plains) persons in the State. APTDC has disbursed Rs. 5,12,238.00 (Rupees five lakhs twelve thousand two hundred and thirty-eight) only to the Assam State Text Book Production and Publication Corporation for printing of Bodo Text Books in Devnagri script on 26th April 1977. Out of the amount of Rs. 28,33,762/— plus Rs. 18,00,000/— (Rs. 18 lakhs sanctioned by the WPT & BC Department vide No. TAD/STP/395/77/2, dated 31st August 1977) totaling Rs. 46,33,762/—the APTDC has paid Rs. 38.77 lakhs to the PWD authorities for the construction of various village roads as per instruction of WPT & BC Department. The Managing Director of Corporation has been asked by the WPT & BC Department to obtain feed back information from the concerned authorities, PWD about the actual utilisation of the amounts for the construction of the roads as advanced to them by the Corporation. While taking a stock of the situation on the utilisation of the funds advanced to the PWD if it is found that further amounts are required by them for the completion of the village roads taken up by the PWD then, the fund out of the balance of Rs. 46,33,762/—minus Rs. 38.77 lakhs amounting to Rs. 7,56,762/—may be utilised for which specific prior instruction of the WPT & BC Department will have to be taken by the APTDC. The Managing Director of the APTDC has been requested to intimate to WPT & BC Department, the latest position regarding the utilisation of the Consumption Loan of Rs. 94.39 lakhs and the recovery position of these loan amounts.

2.2.2. The APTDC had received the Govt. sanction as stated below:

1. Letter No. TAD/STP/486/78/2, dt. 27th December 1978, Rs. 6,00,000/— for undertaking bankable scheme in TSP areas.
2. TAD/SUB/4/89/67, dated 30th June 1980, Rs. 29,00,000/ for miscellaneous schemes in TSP areas.
3. TAD/STP/153/79/15, dated 22nd March, 1980, Rs. 30,00,000/ for miscellaneous schemes to be implemented by the APTDC.

Total—Rs. 65,00,000/—

Whether the payment of various financial loans, namely, industrial loans, house building loans, etc. which were paid directly in sizeable amounts from the APTDC to various ST (P) loanees was paid entirely out of Rs. 65 lakhs as mentioned above or out of Rs. 94.39 lakhs, the consumption loan amount as stated above, the matter is still subject to verification by the WPT and BC Department by checking the position from the relevant original records which were seized in the past. As regards the disciplinary proceedings drawn up against Shri D. K. Rava, IAS (Now retired), former Managing Director of APTDC and Shri K. Kutum, ACS (Now IAS) former Managing Director of APTDC, the following is the position of the matter :—

(1) The disciplinary proceedings drawn up against Shri Rava ended in the imposition of penalty of reduction in his pay by one stage until superannuation vide Government orders communicated under Memo No. AAP.72/80/pt/160 - A, 6th February, 1986 (copy enclosed—annexure-II).

(2) A penalty of censure which was imposed against Shri K. Kutum vide Memo No. AAP.72180/121—A, dated 27th February 1985 was subsequently set aside by the Governor of Assam and he was exonerated of the charges vide memo No. AAP.72180/139 - A, dated 27th March, 1986 (copy enclosed—annexure III)

OBSERVATION/RECOMMENDATION

2.1 The Public Accounts Committee expresses concern about the dismal picture of the matter in which things are dealt with. There is little scope for making any objective assessment when it is made known that upto date position regarding utilization of some loan are yet wanting from the Managing Director, ASTDC against sums drawn during March, 1976.

2.3.2 In this connection, for proper appraisal of the circumstances in which funds meant for specific purposes were used in non-descript manner and non-accountability thereof, the relevant portion of the proceedings is noted below :

"Commissioner, WPT and BC Department:—It is found that the Corporation had received certain amount as consumption loan and it has also received some amount as financial loan. One point in this regard has to be noted that certain amounts of financial loans were paid as consumption loan. Whether it is factually correct or not correct requires close examination. The Corporation gave reply to us. I would like to go through the original letter. Some of the papers were seized by the W. P. T. and B.C. Department and the Personnel Department. Then proceedings have been concluded and a final decision was taken as mentioned here. I wrote to the Personnel Department, Political Department and the Chief Minister's Vigilance Cell. I have received lots of papers and large number of files from the Personnel Department. There is large number of documents. Personnel Department sent 31 files with various documents and they stated that some documents are still with the police. These documents can show whether there was any diversion. It may be true or may not be true. But it has to be verified by us.

Chairman : Whether there was diversion as A. G. has pointed out ?

Commissioner, WPT & BC: The Corporation did receive sanction as consumption loan and also financial loan. It is not that it received only consumption loan. But whether in paying the financial loans there has diversion, it has to be verified. We will have to go through the documents.

Chairman : What is the final finding in the disciplinary proceedings ?

Commissioner, WPT & BC : Copy of the final proceedings is here. We have already submitted. But the point is not clear. I will have to go through it again. The charges were fully exonerated.

Chairman : It seems, the proceedings were not conducted in a manner in which it was to be conducted.

Commissioner, WPT & BC : Officially it is a factual position. But morally, it is not factual. We are still investigating that point. whether consumption loan was diverted or not. I will have to again see to it. As I told, there are 31 files sent to us by Personnel Department. The only point I will have to see whether there is diversion or not. From the proceedings itself we cannot know the whole things. We will have to go through the record and I will examine that.

Chairman : Let him give a report after his examination"

2.3.3. Since the report as sought for has not been received till writing of this Report the Public Accounts Committee therefore recommends that the same may be submitted within 3 months from the date of presentation of this Report.

ALLEGED MISAPPROPRIATION

(Para 1.3.5. & 1.3.6. of 38th Report at page 7 of Public Accounts Committee on Audit para 3.6. of Comptroller and Auditor General of India 1976-77 (Civil)

RECOMMENDATIONS IN 38TH REPORT

3.1.1. The Committee appreciates the action taken by the department against the persons at fault.

3.1.2. The committee also recommends that appropriate action for misappropriating the amount should be taken against the persons responsible and balance misappropriated amount should be recovered immediately with intimation to the Committee.

REPLY OF THE DEPARTMENT

3.2. According to the information furnished by Director of Social Welfare and Probation, Assam, it is found that although, the U.D.A.-Cum-Account of the Training Cum-Production Centre, Julukbari was acquitted in the criminal case for the misappropriation of Rs. 11,000/-- by him, a disciplinary proceeding against him on the same issue was

drawn and concluded with the imposition of the penalty of withholding one increment against him. After the detection of the case in December, 1987, an amount of Rs. 2000/— was recovered from him and deposited in to the Government Treasury Rupees 9,000/— have also been recovered in full from the U.D.A. in monthly instalment at the rate of Rs. 250/— and deposited in the Government Treasury. No further action is called for on this issue.

OBSERVATION / RECOMMENDATION

3.3. The Committee appreciates the action taken by the Department against the person at fault and for realisation of the entire misappropriated amount.

IDLE MACHINES

Para 1.4.3 of the 38th Report at page 8 of Public Accounts Committee in Audit Para 3.34 Comptroller and Auditor General of India for the year 1976-77 (Civil .

RECOMMENDATION IN 38th REPORT

4.1. The Committee deplors that the long delayed decision of the Government result the machineries to remain idle defeating the purpose for the which they were purchased. The Committee therefore urges upon the Government that the machineries should be put to use immediately after they are purchased to meet the objective. The Committee therefore recommends that Government should be arrive at a timely Correct decision to utilise the machinery at the time of purchase to fulfil the aims and objectives. The Committee also desires that the present position of purchase of machineries and their utilisation should be intimated to the Committee within three months from the presentation of this report.

REPLY OF THE DEPARTMENT

4.2. This is regard in making use of (1) Rug weaving and Calico Printing machineries and (2) Canning and Fruit Preservation machineries, purchased long back by the Industries Department between 1959-61 for the then Training Cum-Production centre earlier established and run by the Industries Department upto 1967-68, the Training-cum-production Centre was handed over by the Industries Department to the Social Welfare Department. It has been

attached to the State Home, Jalukbari of the Social Welfare Department to provide training facilities to the intimates of the Home. Most of the rug weaving and calico printing equipments are already under use by the Social Welfare Department in its Training-Cum-Production Centre, attached to the State home, Jalukbari for imparting training facilities to the inmates of the home. Recently, while reamining this matter in the context of the observation of the Public Accounts Committee and the idea of donating the machineries to Sreemanta Sankar Mission, Nagaon, the Directorate of Social Welfare & Probation, Assam, at the instance of the WPT & BC Department examined the equipments/machineries of the Canning and Fruit Preservation Unit with a view to making use of these machineries in the Training-Cum-Production Centre. Relevant aspects such as requirements of extra building accommodation, if any, in reference to the existing available accommodation of the Training-Cum-Production Centre, trained Instructor for making use of the machineries/equipments in the Training cum-Production Centre are being considered by the Directorate of Social Welfare & Probation, Assam. They are taking the help of the concerned experts in the Agriculture Department of the State Government in the matter.

OBSERVATION / RECOMMENDATION

4.3. The P.A.C. is not satisfied with the reply given by the Department and feels that their should be something on record before the matter can be closed-up. The committee recommends that all the idle machines purchased during 1960 by the Industries Department and later handed-over to the Social Welfare Department should be put to use after consulting all the concerned Department including Industries Department and a report thereof should be furnished to the P.A.C. early.

ADVANCED WITHDRAWAL OF MONEY

Para 1. 5.4. of the 38th Report at page 9 of Public Accounts Committee on Audit Para 6.13 Comptroller and Auditor General of India for the year 1976-77 (CIVIL).

RECOMMENDATION IN 38TH REPORT

5.1. Considering non-submission of replies on the Audit paras under examination the Committee therefore recommends that appropriate action should be taken on

the person responsible for not sending reply to the Committee as assured during evidence. The Committee further recommends that effective steps should be taken to stop the drawal of money in advance of requirements which proved to be infructuous.

REPLY OF THE DEPARTMENT

5. 2. 1. The Managing Director of Assam Plain Tribes Development Corporation informs that the entire amount of Rs. 1 lakh sanctioned vide Government Letter No. TAD/CO/557/75/13, dated 27th March, 1976 and received by the Corporation was disbursed completely in different amounts as per specific instructions from the WPT and BC Department as indicated below to the offices of Tribal Research Institute.

Sl. No.	Government Sanctioning letters	Amount disbursed
(1)	(2)	(3)
1.	TAD/TRI/113/72/121 dated 28th March, 1977	Rs. 15,800.00
2.	TAD/TRI/113/72/121 dated 28th January 1977	Rs. 3,570.00
3.	TAD/TRI/113/72 dated 2nd July, 1977	Rs. 500.00
4.	TAD/TRI/113/72/125 dated 2nd April, 1977	Rs. 17,000.00
5.	TAD/CO/557/75/35 dated 29th May, 1976	Rs. 13,000.00
6.	TAD/TRI/113/72/77 dated 23rd July, 1976	Rs. 5,000.00
7.	TAD/TRI/113/72/77 dated 23rd July, 1976	Rs. 500.00
8.	TAD/T I/578/75/21 dated 4th November, 1976	Rs. 4,000.00
9.	TAD/TRI/578/75/13 dated 22nd September, 1976	Rs. 2,700.00
10.	TAD/CO/601/75/39 dated 28th January, 1977	Rs. 1,500.00
11.	TAD/TRI/45/74/Pt/7 dated 6th June, 1977	Rs. 1,000.00
12.	TAD/TRI/578/75/27 dated 11th November, 1977	Rs. 4,583.00
13.	TAD/TRI/45/74/Pt/74 dated 6th June, 1977	Rs. 30,847.00

Rs. 1,00,000.00 P.

5. 2. 2. The Managing Director of the Corporation has been asked to obtain feed-back information from them that the amounts have been utilised for the purposes indicated in the relevant letters of the WPT and BC Department.

OBSERVATION/RECOMMENDATION

5. 3. The Public Accounts Committee has no comment to offer as the amount has, by now, been disbursed. The only point remains to be clarified that whether the money as shown to be disbursed has been utilised for the purposes for which sanctions were made and P. A. C. would like to have a report accordingly within a period of 3 months.

AVOIDABLE EXPENDITURE

(Para 1. 6. 10 and 1. 6. 11 of the 38th Report at page 12 of Public Accounts Committee on Audit Para 6. 8 Comptroller and Auditor General of India for 1978-79 (Civil)—

RECOMMENDATION OF 38TH REPORT

6.1.1. The Committee feels that this was a wrong decision of the Government.

6.1.2. The Committee therefore recommends that a thorough enquiry should be made to ascertain the reasons for not disbursing the amount drawn in March, 1977 till July, 1980 fixing responsibility or the person/persons at fault. The report should be submitted to the committee within three months from the date of presentation of this report.

REPLY OF THE DEPARTMENT

As stated in para 1. 6. 3. the loan remained undisbursed by the Deputy Commissioner, Cachar, Silchar for want of the relevant rules and orders regarding grant of rehabilitation loan to the families and want of fixation of the rate of interest of the loan and after the finalisation of the rate of interest and other terms of the loans, the disbursement of the loan was started by the Deputy Commissioner, Silchar from 4th July, 1980. The Deputy Secretary, WPT and BC- has been instructed to locate the relevant original

files to find out the reasons for the delay in the finalisation of the relevant rules and orders regarding the grant of the Rehabilitation loan and also the fixation of the rate of interest of the loan. From the file (S), it is to be ascertained, whether the delay was due to any personal lapses or it was due to the time taken for coming to the decision on them in securing relevant clearance from concerned other authorities. As regards the balance amount of Rs. 66,550.00 remaining with the Deputy Commissioner, Silchar as stated in (Para 1.6.4) the WPT. and BC. Department has written to the Deputy Commissioner, Silchar vide letter No. TAD/PAC/316/84/Pt/88 dated 12th December, 1988 to intimate the utilisation position in respect of this balance amount of Rs. 66,550.00.

OBSERVATION RECOMMENDATION

6.3. The Committee would like to know: whether the balanced amount of Rs. 66,550 - only remaining with the Deputy Commissioner, Silchar has been utilised fully; the circumstances under which the above amount could not be utilised in time; and action taken against the person/persons for whose fault the sanctioned amounts of Rs. 7,06,300/- and Rs. 1,43,750/- were not processed for distribution/utilised in time. The information may be furnished within 3 months from the date of presentation of this Report before the House.

DIVERSION/NON-UTILIZATION OF FUND

(Para. 1.7.8 & 1.7.9 of the 38th Report at page 30 of PAC and Report on Audit para. 3.16/CAG-79-80 (Civil))

RECOMMENDATION OF 38th REPORT

7.1.1. The Committee was not satisfied with the explanation tendered by the witness and felt that tribal people did not get any benefit out of the scheme and the grant was misutilized.

7.1.2. The Committee therefore, recommends that a thorough probe should be conducted for depriving the actual needy tribal people and for not providing the benefit of welfare scheme as envisaged and fix responsibility

on the persons for whose fault the scheme was a complete failure. The report of the enquiry should be submitted to the Committee within three months from the date of presentation of this report.

REPLY OF THE DEPARTMENT

7.2. The WPT & BC Department sanctioned an amount of Rs. 7,38,000/— (Rupees Seven lakhs and thirty eight thousand) only vide their sanctioning letter No. TAD/CO/210/74/Pt/39, dated 19th March, 1975 and the Director of Agriculture was authorised to draw this amount vide Government sanction No. TAD/CO/210/74/Pt/41, dated 19th March, 1975 towards 75% cost of various agricultural machineries, purchased through the Assam Agro Industries Development Corporation for distribution for the benefit of the ST (P) persons. It is found that actually Rs. 7,25,864.79 were drawn and disbursed by the Director of Agriculture to Assam Plains Tribes Development Corporation against proforma bill and the balance was surrendered to the Government Treasury. For the benefit of the ST (P) persons the Assam Plains Tribes Development Corporation decided to advance to the beneficiaries towards the remaining 25% of the total cost.

With these arrangements, in respect of this scheme, the Assam Plains Tribes Development Corporation helped 12 Registered Societies or ST (P) persons as detailed below involving a total loan amount of Rs. 2,15,812/- from the Corporation :—

Sl. No.	Name of the Secy.	Machineries distributed	25% value of the machine paid by APTDC Ltd.	Insur - ance - charge	Grand total
(1)	(2)	(3)	(4)	(5)	(6)
1.	Shri Promod Ch. Brahma, secy. Turribari custom service Unit Dist. Kokrajhar.	(a) 1 Power (b) 3 Power Pump. (c) 5 hand Sprayer-	Rs. 10,1.2/-	1568	Rs. 11697/-
2.	Shri Nabin Ch. Doley Abani Unchang Unit, Dist. North Lakhimpur.	(a) 1 tractor. (b) 4 Power Tiller. (c) 6 hand Sprayer	Rs. 15,298/-	2009	Rs. 17307/-

1)	(2)	(3)	(4)	(5)	(6)
3.	Shri Guna Govinda Doley, Mising Yamey Co. Silapather Unit, Dist. North Lakhimpur.	(a) 2 Power tiller. (b) 4 Power pump (c) 10 Hand Sprayer	Rs- 17,668/-	2009	Rs.19,677/-
4.	Shri Debeswar Pegu, Nagasang Unemployed Association, Dist. North Lakhimpur.	(a) 2 Power tiller. (b) 4 Power pump. (c) 10 Hand Sprayer	Rs. 17,668/-	2009	Rs. 19,677/-
5.	Shai Janendra Basumatary, Kokrajhar Custom Service Unit, Dist. Kokrajhar.	(a) 2 Power tiller (b) 3 Power pump (c) 5 Hand Sprayer	Rs. 15,748/-	2009	Rs. 17,767/-
6.	Shri Amar Ting Koch, Mini Agro Custom Service Unit, Dist. Kokrajhar.	(a) 2 Power tiller. (b) 3 Power pump (c) 5 Hand Sprayer	Rs. 15,748/-	1568	Rs. 17,316/-
7.	Shri Ghana Kanta Pegu, Nagasang Tangani Burisuti Unit, Dist. North Lakhimpur.	(a) 2 Power tiller (b) 4 Power pump. (c) 10 Hand Sprayer	Rs 17,668/-	2009	Rs. 19,677/-
8.	Shri Rupnath Brahma, Navodya Service Unit, Dist. Kokrajhar.	(a) 1 Tractor (b) 1 Power tiller (c) 3 Power pump (d) 5 Hand sprayer	Rs. 22,087/-	2009	Rs. 24,096/-
9.	Shri Bineswar Brahma, Tribal Youth Service Society, Dist. Kokrajhar.	(a) 2 Power tiller (b) 3 Power pump (c) 5 Hand sprayer.	Rs. 15,748/-	2009	Rs. 17,757/-
10.	Shri Priyaram Pegu, Novajyoti Youth Association, Dist. North Lakhimpur.	(a) 2 Power tiller (b) 4 Power pump (c) 10 Hand sprayer.	Rs. 17,668/-	2009	Rs. 19,677/-

(1)	(2)	(3)	(5)	(5)	(6)
11.	Shri Sushil Kumar Brahma, South Kajal, gaon Custom Service Unit, Dist. Kokrajhar.	(a) 1 Tractor (b) 3 Power pump (c) 5 Hand sprayer	Rs. 16,468/-	2009	Rs. 18,477/-
12.	Shri Simson Nar Zaru, Barpathar Custom Service Unit, Dist. Kokrajhar.	(a) 1 Tractor (b) 1 Power tiller (c) 3 Power pump (d) 5 Hand sprayer	Rs. 10,129/-	1568	Rs. 11,697/-

143 Rs. 1,92,027/- Rs. 23,785/- Rs. 2,15,812/-

According to report now from the Managing Director of the Corporation these Societies are re-paid by now, a sum of Rs. 54,734.00 to the Corporation out of the total loan amount Rs. 2,15,812.00. The Corporation is taking action for the realisation of the remaining loan amounts from these Societies.

After the distribution of agricultural machineries to the above mentioned 12 Registered Societies, there were still some machineries, available under the scheme, which were distributed to the following 10 tribal youths by the Assam Plains Tribes Development Corporation on payment of amounts as indicated against each towards 25 per cent of the total cost price.

Sl. No.	Name of the Party	No. of Machine distributed	Amount realised
1	Morengial Mishing Krijshi Pam Samabay Samity.	1 Power tiller	Rs. 6,009.00
2	Anen Chandra Boro	1 Power pump	Rs. 1,685.00
3	Pitamber Basumatary	1 do	Rs. 1,685.00
4	Balindra Nath Kutum	1 do	Rs. 1,685.00
5	Raphel Basumatary	1 do	Rs. 1,685.00
6	Deebar Basumatary	1 do	Rs. 1,685.00

(1)	(2)	(3)	(4)	(5)
7	Dajendra Nath Brahma	1	Power pump	Rs. 1,685.00
8	Olongbar Tokhonthay	1	do	Rs. 1,685.00
9	Atul Deka	1	do	Rs. 1,685.00
10	Lohit Boro	1	do	Rs. 1,685.00
		10		Rs. 21,174.00

The total amount so far realised including the loan is Rs. 75,908.00 (i. e. Rs. 54,734.00 + Rs. 21,174.00).

OBSERVATIONS/RECOMMENDATIONS

7.3.1. From the facts as stated above and other records furnished to P. A. C. it appears that a provision for an amount of Rs. 7.38 lakhs was made by Supplementary Demand during February-April 1975 Budget Session of the Assam Legislative Assembly for implementation of the Agricultural Schemes of the Integrated Tribal Development Projects Areas in the then Kokrajhar and Dhemaji Subdivisions as per details of schemes as under :

Details of items	Kokrajhar		Dhemaji	
	Unit No.	Amount	Unit No.	Amount
Office Expenses.		Rs. 5,000/-		Rs. 3,000
Machinery, Equipments, Tools (subsidy amounts only)				
(a) Tractors with all accessories including Tractor at 75% subsidy,	2	Rs. 65,000	1	Rs. 33,000
(b) Power Tiller with all accessories including Trailors and sell at 75% subsidy.	20	Rs. 3,20,000	10	Rs. 1,60,000

(1)	(2)	(3)	(4)	
(c) Pumping sets at 75% subsidy,	65	Rs. 65,000	32	Rs. 32,000
(d) Plant protection equipments, and sell at 75% subsidy.		Rs. 15,000		Rs. 10,000
(e) Small Implements and sell at 75% subsidy. Material and Supply (Subsidy amount only).		Rs. 3,000		Rs. 3,000
(f) Plant protection Chemicals and sell at 75% subsidy.		Rs. 10,000		Rs. 10,000
(g) Other charges.		Rs. 2,000		Rs. 2,000
		<hr/>		<hr/>
		Rs. 4,85,000		Rs. 2,53,000

Grand total Rs. 7,38,000

The Director of Agriculture who was made the D.D.O. in respect of the amount have disbursed Rs. 7.26 lakhs against a proforma bill after refund of the excess drawal into Treasury. Regarding this drawal, the A. G., after test audit remarked: "In March, 1975, the Agriculture Directorate paid Rs. 7.26 lakhs to the Assam Agro-Industries Development Corporation, as 90% advance for supply of Tractors, Power Tillers and Hand sprayers to tribals. There was nothing in the records of the Directorate to show that the equipments were received, distributed and utilised". The P. A. C. apprehends that the fund was utilised only after audit raised objection in the year 1980 or thereafter.

7.3.2. The original scheme envisaged inter-alia distribution of 3 Tractors, 30 Power Tillers and 97 Power pumping sets at an estimated cost of Rs. 98,000/-, Rs. 4,80,000/- and Rs. 97,000/- respectively. From the replies of the Department it is clear that the Department deviated from the original scheme for reasons not made known to the Committee.

7.3.3. The P. A. C. therefore, recommends that the matter may be thoroughly enquired into by an officer not below the rank of Secretary and the report thereof may be furnished to the Committee within a period of three months.

ASSAM PLAINS TRIBES DEVELOPMENT CORPORATION (APTDC)

[Para 18.5 of the 38th Report at page 15 of Public Accounts Committee on Audit Para 3.16, 3 Comptroller and Auditor General of India for the year 1979-80 (Civil)-7,

RECOMMENDATION IN 38TH REPORT

8.1 However, the Committee feels that a detailed study should be conducted to ascertain as to whether the money that has been sanctioned by the Government had been properly utilized for the purpose for which those amounts were sanctioned.

REPLY OF THE DEPARTMENT

8.2 A note on the activities of Assam Plains Tribes Development Corporation is enclosed herewith, which reads as follows :

1. Introduction :-The Assam Plains Tribes Development Corporation Ltd. was established in 1974-75 with an authorised share capital of Rs. 100 lakhs. The Corporation now increased the authorised share capital to Rs. 300 lakhs. The main objectives as per the memorandum and the articles of association of this Corporation are indicated below :

(1) To construct suitable houses or to help the persons belonging to scheduled tribes and backward classes to construct houses by advancing money and materials to them.
(ii) To promote the organisations of poultry, diary farming, goat rearing, piggery and duck farming for the benefit of the above classes of people.

(iii) To promote the development of village and cottage industries including household industries.

(iv) To help the development of intensive agricultural operation in the lands belonging to scheduled tribes and backward classes.

(v) To purchase and lend on hire purchase basis vehicles such as auto rickshaws, motor cars, lorries and trucks, machineries such as sewing machines, printing press, lathes and precision instruments.

(vi) To advance money for purchase of land for house sites and for agricultural activities.

(vii) To advance loans to such members of scheduled tribes and backward classes who want to start the profession of Doctor, Engineer, Lawyers, Architects and other similar professions.

(ix) To promote the setting up of business and trades such as excise shop etc. by members of these classes. There are 12 ancillary objects over the main objects.

2. **Share capital** :— The authorised share capital of the corporation is Rs. 300 lakhs divided into 30,000 shares of Rs. 1000 each. The entire share capital is contributed by the state Government. The year-wise contribution of share capital by the Government is indicated below :

Year	Authorised Capital,	Share capital Contributed up to 1988-89	Balance
1974-75	Rs. 100 lakhs.		
1975-76			
1976-77			
1977-78		Rs. 10.00 lakhs	
1978-79		Rs. 18.84 lakhs	
1979-80		Rs. 13.00 lakhs	
1980-81		Rs. 8.00 lakhs	
1981-82		Rs. 14.50 lakhs	
1982-83		Rs. 29.25 lakhs	
1983-84			
1984-85			
1385-86	Rs. 200 lakhs		
1986-87		Rs. 128.81 lakhs	
1988-89			
	<u>Rs. 300 lakhs</u>	<u>Rs. 222.40 lakhs</u>	<u>Rs. 77.60 lakhs</u>

Interest on fixed deposit Rs. 128.80 lakhs accumulated till 1983-84 has been allowed to use as share capital for meeting consumption loan and other expenditures during 1986-87.

3. **Sources of finance** :— The State Government contribute fund for (a) Share capital and (b) for financing of various schemes like (a) consumption loan, (b) direct loan, (c) margin money schemes, etc. Year-wise Government contribution to the corporation is indicated below.

Year	(Rs. in lakhs)				
	Share Capital	Direct loan	Consumption loan	Margin money	SCA
1974-75	nil	nil	nil	nil	
1975-76			Rs. 94.00		
1976-77	Rs. 10.00				
1977-78	Rs. 18.84	Rs. 29.00			
1978-79	Rs. 13.00	Rs. 6.00			Rs. 23.00
1979-80	Rs. 8.00	Rs. 30.00			Rs. 17.50
1980-81	Rs. 14.50	Rs.			Rs. 7.70
1981-82	Rs. 29.25				
1982-83			Rs. 25.00		
1983-84			Rs. 25.00		
1984-85			Rs. 23.50		
1985-86					
1986-87	Rs. 128.81		Rs. 30.00		Rs. 83.87
1987-88			Rs. 43.00		Rs. 310.00
1988-89			Rs. 28.00		Rs. 310.00
	Rs. 222.40	Rs. 65.00	Rs. 94.00	Rs. 164.50	Rs. 752.07

The utilisation of the fund as mentioned above has been shown separately hereunder. The corporation has also recovered a sum of Rs. 6.11 lakhs as interest on loan. The amount allotted to this corporation for the current year 1988-89 is yet to be received.

4. **No. of branch offices** :—The Corporation has set-up the following 25 (twenty five) branch offices in the state for effective implementation of the schemes of the corporation.

(1) Jonai (2) Dhemaji (3) North Lakhimpur (4) Bihpuria (5) Gohpur (6) Dhekiajuli (7) Udalguri (8) Nalbari (9) Bijni (10) Kokrajhar (11) Gossaigaon (12) Goalpara (13) Dudhnoi (14) Guwahati (15) Marigaon (16) Nowgoan (17) Silchar (18) Golaghat (19) Jorhat (20) Majuli (21) Sibsagar (22) Dibrugarh (23) Naharkatia (24) Sadia (25) Bhergaon

The strength of employees in each branch is indicated below :—

(1) Branch Manager	..	...	..	1
(2) Credit Officer	...	...	...	1
(3) Sales Supervisor	...	...	...	1
(4) Acctts. Asstt.	...	...	...	1
(5) L. D. A. Cum-Typist		...	...	1
(6) Peon	..	.	...	1
(7) Chowkidar	...	...	...	1

These staffs and officers are utilised for various works including enquiry and varification of loan applications and recovery of loan.

5. Annual establishment cost : The annual establishment expenditures are indicated below :—

Year	Salary	T.A.	Other expenditures	Remarks
1974-75	—	—	—	
1975-76	Rs. 0.64	Rs. 0.18	Rs. 0.88	Amount provided for the year 1988-89 are provisions.
1976-77	Rs. 0.97	Rs. 0.22	Rs. 1.08	
1976-78	Rs. 1.15	Rs. 0.16	Rs. 0.73	
1978-79	Rs. 1.46	Rs. 0.28	Rs. 1.83	
1979-80	Rs. 7.88	Rs. 0.99	Rs. 3.97	
1980-81	Rs. 11.52	Rs. 0.80	Rs. 3.34	
1981-82	Rs. 18.25	Rs. 0.51	Rs. 2.78	
1982-83	Rs. 12.49	Rs. 0.67	Rs. 3.90	
1983-84	Rs. 18.82	Rs. 0.95	Rs. 4.99	
1984-85	Rs. 17.85	Rs. 1.10	Rs. 6.38	
1985-86	Rs. 17.02	Rs. 1.04	Rs. 6.52	
1986-87	Rs. 21.23	Rs. 2.4	Rs. 2.88	
1987-88	Rs. 16.62	Rs. 1.71	Rs. 4.77	
1988-89	Rs. 38.12	Rs. 2.00	Rs. 9.96	(estimate)
	Rs. 178.52	Rs. 13.05	Rs. 54.01	

6. **Nature of schemes** :—The Corporation took up and implemented the direct loan scheme. This scheme was stopped by the Government during 1984-85. At present consumption loan and margin loan schemes have been in operation. The year wise disbursement of the loans is indicated below :—

(a) **Consumption loan** : The Corporation loan is a revolving fund. The recovered loan under this scheme is re-invested. The State Government released Rs. 94.38 lakhs as consumption loan scheme in 1978-79. But the Corporation actually started the consumption loan scheme in 1978-79. The Corporation could not disburse loan from 1975-76 to 1977-78, as the government asked this corporation to keep the entire amount in fixed deposit for finalisation of the loan schemes. Yearwise disbursement of consumption loan and recovery so far made with interest is indicated below :—

Year	Amount disbursed.	Number of beneficiaries	Principal amount recovered	Interest recovered	Remarks
1978—79	Rs. 0.04	5	...	...	..
1979—80	Rs. 24.92	2120	Rs. 0.40	Rs. 0.05	
1980—81	Rs. 2.52	236	Rs. 3.18	Rs. 0.44	
1981—82	Rs. 2.24	189	Rs. 2.31	Rs. 0.32	
1982—83	Rs. 10.02	853	Rs. 1.23	Rs. 0.22	
1983—84	Rs. 15.20	1052	Rs. 1.99	Rs. 0.32	
1984—85	Rs. 29.89	1463	Rs. 1.68	Rs. 0.26	
1985—86	Rs. 30.81	1299	Rs. 2.64	Rs. 0.32	
1986—87	Rs. 28.01	978	Rs. 4.43	Rs. 0.71	
1987—88	Rs. 24.87	993	Rs. 5.27	Rs. 0.92	
1988—89	Rs. 11.51	416	Rs. 2.31	Rs. 0.15	
upto Oct., 1988					
	Rs. 171.12	9604	Rs. 25.44	Rs. 3.71	

Rs. 76.73 lakhs has been spent out of share capital Rs. 20.00 lakhs has been proposed to be reinvested during 1988-89 out of recovery of loan. The maximum limit of consumption loan is Rs. 3000/- ranging from Rs. 50/-. The rate of interest is Rs. 6%. The Corporation has been taking vigorous steps to recover the outstanding loans.

(b) **Direct loan** :— The State Government released Rs. 65.00 lakhs as miscellaneous schemes to be executed by this Corporation. The Corporation spent the amount as direct loan under Direct Loan Scheme now stopped by the Government. Yearwise disbursement and recovery of loan is indicated below :—

Year	Amount disbursed	Number of beneficiaries	Principal amount recovered	Interest recovered	Remarks
1978—79	Rs. 0.57	2	...	...	...
1179—80	Rs. 31.10	192	Rs. 0.02	Rs. 0.12	
1980—81	Rs. ...	...	Rs. 2.77	Rs. 0.55	
1981—82	Rs. 0.22	7	Rs. 0.92	Rs. 0.35	
1982—83	Rs. 4.49	133	Rs. 0.73	Rs. 0.21	
1983—84	Rs. 8.18	165	Rs. 0.87	Rs. 0.31	
1984—85	Rs. 12.56	285	Rs. 0.94	Rs. 0.23	
1985—86	Rs. 0.27	4	Rs. 1.33	Rs. 0.24	
1986—87	..	...	Rs. 0.92	Rs. 0.20	
1987—88	..	...	Rs. 0.69	Rs. 0.15	
1988—89	...	..	Rs. 0.55	Rs. 0.04	
upto Oct., 1988					
<hr/>					
	Rs. 57.99	778	Rs. 7.74	Rs. 2.40	

Steps have been taken to recover the outstanding loan. The utilisation of balance amount of Rs. 7.61 lakhs and recovery of loan Rs. 7.74 lakhs will be taken up with the Government separately.

(c) **Margin money scheme:**—The corporation has been implementing margin money loan scheme from 1982-83. The deserving loan applications are sponsored to various banks. The Corporation releases the margin money and the subsidy on receipt of bank's agree to finance. The rate of margin loan of this corporation is 6%. Yearwise disbursement of loan under this scheme is indicated below:—

Year	Bank's Share	Corporation's Share	Subsidy	No. of Beneficiary	Grant total
1982-83	Rs. 1.53	Rs. 0.36	...	9	Rs. 1.89
1983-84	Rs. 9.19	Rs. 1.39	...	22	Rs. 10.58
1984-85	Rs. 10.78	Rs. 1.07	...	16	Rs. 11.85
1985-86	Rs. 2.64	Rs. 0.88	...	24	Rs. 3.52
1986-87	Rs. 12.36	Rs. 4.12	...	121	Rs. 16.48
1967-88	Rs. 21.04	Rs. 8.48	Rs. 4.42	262	Rs. 33.94
1988-89 upto Oct/88	Rs. 64.76	Rs. 16.19	Rs. 11.18	376	Rs. 92.13
	Rs. 122.30	Rs. 32.49	Rs. 15.60	830	Rs. 170.00

The maximum limit of the margin loan at present is Rs 12.000 with the following components:—

1. Bank's finance	...	Rs. 4,000
2. Corporation's margin money		Rs. 3,000
3. Subsidy 50% in a maximum of Rs.		Rs. 5,000
		Rs. 12,000

The corporation has not been able to extend loan to the desired extent under this scheme due to poor participation of the bank. However effort is going on to give loan facilities to as many people as possible.

The target for 1988-89 is 7200 families.

OBSERVATIONS/RECOMMENDATIONS

8.3.1. The summary, of the audit objection (test audit) was that the A.P.T.D. Corporation formed for organizing and financing development activities had done little in their assigned sphere and had irregularly retained large sums unutilised for years together. In a report submitted to Government in February, 1978, the Corporation had admitted that it had not taken-up any important schemes for want of expertise. This being the fact as revealed the Committee feels that huge sums of money was sanctioned to a corporation whose infrastructure is not equipped in tackling the implementation of the schemes envisaged. The Committee further feels that to placate the tribal sentiment, large sums of money were shown to have been sanctioned for their welfare without assessing whether such schemes could be physically implemented. This is not an isolated instance. This is probably the basic reason why money sanctioned for tribal development is either wasted or got lapsed even today.

8.3.2. The P.A.C appreciates the sincere efforts of the Department in bringing to notice more facts & figures about the activities of the Corporation. Now the Committee would like to know to have a more specific report whether they received all the utilisation certificates against the money sanctioned to the Corporation for implementing development schemes under both plan & non-plan sector.

**FUND DIVERTED TO OTHER USES OR
NOT UTILISED.**

[Para 1.9.6. of the 38th Report at page 17 of P.A.C. on Audit Para 3.16.4/CAG. 1979-80 (Civil)]

RECOMMENDATION IN 38TH REPORT

9.1. The Committee was not satisfied with the arguments put forward by the witness and stressed that fund sanctioned for specific purpose should not be diverted to other purpose. The Committee desires that detailed note in this regards should be submitted to the Committee within three months as to the circumstances of fund diversion.

REPLY OF THE DEPARTMENT

9.2. Assam Plains Tribes Development Corporation was set up by the State Government on 29th March, 1975. On a Government land covered by Dag No. 260, originally earmarked for "one Tribal Krishti Sangha" (as per the ehitha of June, 1971), it was mooted to have a three storied RCC building with suitable financial assistance from the State Government for use for the accommodation of the Assam Plains Tribes Development Corporation office. The WPT & BC Department vide sanctioning letter No. TAD/STP/423/75/5 dated 3rd December, 1975 sanctioned a grant of Rs. 75,000, for the construction of one cultural institution, which was meant for this purpose. In March, 1976 in letter No. TAD/CO/596/75/98 dated 30th March, 1976 the WPT & BC Department sanctioned and paid to Assam Plains Tribes Development Corporation an amount of Rs. 12.26 lakh for implementation of irrigation, soil conservation and agricultural schemes in Kokrajhar and Dhemaji Sub-Division. Out of it, Rs. 1.76 lakhs were refunded to the Government Treasury vide Challan No. 3 of 18th December, 1976 by the Corporation since the Director of Soil Conservation had implemented the relevant scheme. The balance amount of 10.50 lakhs was converted into Share Capital of the Corporation by the WPT & BC Department vide their letter No. TAD/CO/596/75/217 dated 15th February, 1978 instead of retention of this amount by the Corporation as undisbursed and unaccounted for. It is now found that, while it is true that this amount of Rs. 10.50 lakhs was meant for implementing some developmental schemes (irrigation, agriculture etc.) for the benefit of the ST (P) people in Kokrajhar and Dhemaji Sub-Division, the decision of the WPT & BC Department on 15th February, 1978 to allow the amount to be treated as Share Capital of Assam Plains Tribes Development Corporation was in the context of providing fund towards the Share Capital of Assam Plains Tribes Development Corporation, an organisation set up by the State Government in March, 1975 for the welfare of the ST (P) people in the State. The construction of the RCC building has been funded by the Corporation from out of its share capital and the office of the Corporation is now accommodated in the ground floor and the first floor of it. The Corporation also has taken up with the Revenue Department of the State Government for the formal settle-

ment of this Government plot on the name of the Corporation. The matter is under further process between the Revenue Department and the Deputy Commissioner of Kamrup District, Guwahati.

OBSERVATION/RECOMMENDATION

9.3.1. In the light of the reply it is seen that Rs. 10.50 lakhs were converted into share-capital of the A.P.T.D. Corporation instead of utilising it against the scheme drawn-up for welfare of the S.T. population of the state. The Department wants to justify such conversion on the ground that A.P.T.D.C. is an institution constituted with an objective of conferring benefit for the plains tribes of Assam. The P.A.C. does not agree with this view of the Department and accordingly feels that such practices of diversion should not be encouraged....

9.3.2. The P.A.C., therefore, recommends that necessary instruction may be issued by the Government putting an end to these type of conversion unless specifically allowed by an order from the Finance Department.

RETENTION OF LARGE SUMS UNUTILISED

(Para. 1.10.5 & 1.10.6 of the 38th Report at page 18 of P. A. C. on Audit para. 3.16.5/CAG. 79-80 (Civil))

RECOMMENDATION/OBSERVATION IN 38TH REPORT

10.1.1. The Committee is constrained to note that the Department did not pursue the matter of obtaining utilization certificate in time giving scope for misutilization of fund.

1.1.2. The Committee therefore recommends that the Department should take vigorous steps to pursue with the spending Departments for obtaining utilization certificates so that money sanctioned are properly utilised.

REPLY OF THE DEPARTMENT

10.2. As regards the unspent balance amounts of Rs.2.91 lakhs and Rs. 2.39 lakhs (not Rs. 1.39 lakhs as printed in para 1.10.1) drawn in March, 1976 for construction of village roads and payment of grant-in-aid to the tribals and 1.40 lakhs drawn in November, 1976 for payment of grant-in-aid to the tribals, the WPT&BC Department has sought for relevant reference from the Corporation, so that Government instruction can be issued by the WPT & BC Department now regarding their utilisations. As per Government letter No. TAD/STP/395/77/2, dated 31st August 1977 for Rs.18 lakhs and Government letter No. TAD/SUB/314/78/31, dated 7th March 1980 for Rs. 28,33,762/- totalling Rs. 46m 33m 762/- were given to the Corporation for utilisation for the construction of village roads by the PWD. By now, the APTDC has disbursed Rs. 38.77 lakhs to PWD for construction of village roads as per instructions of WPT & BC Department to obtain from the concerned Executive Engineers of PWD, a feed back regarding the utilisation of these amounts. If any further amounts are required by the PWD for the construction of these village roads, the amounts will be given to them with the prior instruction from the WPT & BC Department out of the balance Rs. 7,56,762/- (viz. Rs. 46,33,762/- minus Rs. 38.77 lakhs)

OBSERVATION/RECOMMENDATION

The P.A.C. finds that inspite of recommendations as contained in their 38th Report, the Department has failed to show utilisation by the concerned executing agencies to the tune of Rs. 7,56,762/- only though a decade has since passed.

MONITORING AND EVALUATION OF SCHEMES

(Para. 1.11.3 of the 38th Report at page 18 of P. A. C. on Audit para. 3.16.6/CAG. 79-80 (Civil))

Recommendation of 38th Report.

11.1. When the Committee during oral evidence enquired about the functioning of the monitoring cell as well as evaluation report thereof the Departmental witness could not advance any reason for not functioning of the cell. Therefore the Committee desires that the Tribal Research

Institute should be geared up so that effective evaluation of the various activities of Tribal Developmental Schemes could be brought out to light and monitor the same for the benefit of the Tribal people.

Reply of the Department.

The Tribal Research Institute of the Government of Assam was set up by the State Government in January, 1977. Its functions are research, evaluation, planning and training. It undertakes research and evaluation on various topics, assigned to it by the WPT & BC Department and the Ministry of Welfare of the Government of India from time to time. It also renders assistance on various topics, which are relevant within the scope of Tribal-Sub-Plan and Scheduled Caste Component plan. It organises various training programmes for the officials of the State Government and non-official functionaries, involved in the Tribal and Scheduled Caste developmental matters. Steps have been taken to strengthen the organisation of Tribal Research Institute to facilitate its functioning better. The monitoring of the implementation of Tribal Sub-Plan and Scheduled Caste Component Plan is done by the Directorate of WPT & BC and the WPT & BC Department of the State Government.

OBSERVATION/RECOMMENDATION

11.3. In the light of the reply given by the Department it is seen that some steps were being taken to gear-up the functioning of the Tribal Research Institute but nothing has been put forward on records to show the work done by the Institute since its inception in 1977. The P.A.C. therefore recommends that an Annual Report about the functioning of the Institute be compiled and circulated.

NON-UTILIZATION OF GRANTS

(Para 1, 12, 5, 1, 12, 9, & 1, 12, 12 of the 38th Report at pages 20, 21 and 23 of the P. A. C. on Audit para 6. 6/CAG. 80-81 (Civil))

12.1.1. The Committee is not convinced with the grounds explained by the witness and desires that the Department

should take effective measures to utilise the money sanctioned and obtain utilization certificate from the spending authorities.

12.1.2. The Committee however observes that scheme for preexamination training to Scheduled Castes and Scheduled Tribes candidates as meant for those deserving candidates who would be appearing for the Civil Service Examination and other competitive examinations. Therefore the Committee desires that the stipend should be sanctioned accordingly on the basis of merits and aptitude of the candidate belonging to the Scheduled Castes and Scheduled Tribes who are found suitable for the competitive examinations.

12.1.3. The Committee observes that the amounts had been sanctioned by the Government to 17 numbers of Institutions far back in 19th March, 1980 wherefrom no utilisations certificate had so far sanctioning of money does not mean utilisation objectively. Unless the sanctioned money so utilised in time the purpose of providing Public Fund is defeated.

12.1.4. The Committee recommends that the sanctioned money should be properly utilised and utilisation certificate thereof should be obtained by the sanctioning authority well in time so that there should not be any scope for mis-utilisation or diversion of fund.

REPLY OF THE DEPARTMENT

12.2. (A) The WPT & BC Department accorded Government sanction vide No. TAD/SUB/446/78/120, dated 20th March, 1980 for Rs. 17.50 lakhs (and not Rs. 27.50 lakhs as printed in para 1.12.3) for implementation of Bankable Schemes like consumption loans

production loans and industrial schemes, including sericulture and weaving and the amount was drawn by the Director, WPT, and BC, and paid to the Assam Plains Tribes Development Corporation. This amount and other such amounts received in other years by the APTDC, from the Government are utilised by the Corporation in the implementation of margin money scheme.

(B) The following amounts were received by the APTDC during 1979-80:—

(B) (1):—TAD/STP/353/79/15, dated 22nd March 1980, Rs. 15.25 lakhs as grant-in-aid for purchase of text books and uniforms/for cultural activities/ agricultural subsidies for purchase of bullocks, improved implements and other inputs/rahilitation of landless agricultural labourers/grants to privates enterprises for opening cattle, piggery and poultry farms/subsidies for fishery development/grants to non official organisations doing welfare work amongst tribal people/grants to patients suffering from T. B. and other health diseases/grants for selfhelp schemes/grants-in-aid to Non-Government educational institutions.

plus

Rs. 30 lakhs for implementation of miscellaneous schemes by the Corporation.

plus

Rs. 9.50 lakhs as share capital of the Assam Plains Tribes Development Corporation.

Totalling Rs. 54.75 lakhs.

The Assam Plains Tribes Development Corporation disbursed Rs. 15.25 lakh to different Sub-Divisional Welfare Officers as per instruction of WPT, and BC, Department.

As regards Rs. 30 lakh, this amount plus Rs. 29 lakhs as sanctioned vide No. TAD/STP/153/79/15, dated 22nd March 1980 and Rs. 6 lakh vide sanctioning letter No. TAD/STP/486/78/2, dated 27th December 1978 total Rs. 65 lakh. As stated in the reply on the Item No. 2, whether, any financial loans namely various industrial loans house building loans etc. were issued directly by the Corporation out of the above mentioned Rs. 65 lakh and not out of Rs. 94.39 lakh (the latter amount being the consumption loan amount), the matter is still subject to verification by the WPT & BC Department in reference to the original seized documents.

- B. (2) No. TAD/STP/51/79/147, dated 19 th March, 1980 for Rs. 6 lakh for construction of Scheduled Tribes girls' hostels.
- B. (3) No. TAD/STP/51/79/192 dated 31st March 1980 Rs. 2 lakh for construction of ST girls' hostels.

Inclusive of the above mentioned amount of Rs. 6 lakh plus Rs. 2 lakh, the Corporation received another Rs. 4 lakh vide No. TAD/STP/51/79/289 dated 27th March 1981 for Scheduled Tribes girls' hostels. Out of these Rs. 12 lakhs, held by the Corporation, Rs. 7,57,495.00 have been released by the Corporation at the specific instructions of Director, WPT & BC and WPT & BC Department to various educational institutions on different dates for the construction of S. T. girls hostels. The Corporation has now been instructed by the WPT & BC Department to prepare a list of the recipient institutions, amount released to each of them by the Corporation, reference of the relevant instructions of the WPT & BC Department/Director, WPT & BC and obtain a feed-back in the form of utilisation certificates, from the authorities of the recipient educational institutions, countersigned by the local Project Director of ITDP/Sub-Divisional Welfare Officer, in respect of the grants received by them.

- B. (4) No. TAD/STP/353/79/18, dated 24th March 1980 for Rs. 1.25 lakh. Out of this Rs. 1.25 lakh, the Corporation has released Rs. 1.11 lakh as grant-in aid to various Tribal Organisations/persons in pursuance of specific instructions of WPT & BC Department. The Managing Director of APTDC has now been asked to obtain utilisation certificates from them.

B. (5) TAD/SUB/440/78/120, dated 20th March 1980 for Rs. 17.50 lakh for Bankable Schemes. As regards utilisation, the point has been explained earlier in (A) above under this item.

B. (6) TAD/TRI/18/80/8 dated 29th March 1980 for Rs. 2.22 lakhs.

This amount has been released by the Corporation to the Executive Engineer, PWD, Magazine Division, Dispur on 23rd June 1981 for the construction of Tribel Research Institution Building Complex by the PWD.

The total addition of the amounts received by the APTDC during 1979-80 as detailed under (B) above are Rs. 83.72 lakhs (viz B (1) plus B (2) plus B (3) plus B (4) plus B (5) plus B (6).

ASSAM OBC DEVELOPMENT CORPORATION

1. No. TAD/353/79/1, dated 22nd March 1980 for Rs. 4.66 lakh for purchasing of text books and uniforms. The amount has been released by the Corporation to concerned Sub-Divisional Welfare Officers as per specific instructions of WPT & BC Department. The Corporation has now been asked by the WPT & BC Department to obtain a feed-back from the Sub-Divisional Welfare Officers about the utilisation of the fund for the concerned sanctioned purposes.

2. No. TAD/353/79/1, dated 22nd March 1980 for Rs. 18 lakhs for Pre.-Matric scholarships.

This amount has been disbursed by the Corporation to the D. P. I., Assam as per instruction No. TAD/EDN/342/79/49, dated 21st November 1980 of WPT & BC Department for the award of Pre-Matric scholarships to OBC students.

3. No. TAD/STP/353/79, dated 2nd April 1980 for Rs. 1.25 lakh as functional grant. This has been utilised by the Corporation in the purchase of a vehicle for the Corporation (Rs. 73, 000.00) for repairing of the official vehicle of the Vice-Chairman of State Advisory Council for OBC, (Rs. 15,000.00) and the remaining amount has been utilised on the establishment expenditures of the Corporation.

4. No. TAD/STP/353/79/1, dated 22nd March 1980 for Rs. 8 lakh as share capital of the Corporation. This amount has been utilised as share capital of the Corporation.

5. No. TAD/353/79/1, dated 22nd March 1980 for Rs. 5 lakh for Bankable Scheme. This amount has been used in the implementation of Bankable Schemes of the Corporation for the poor OBC families.

ASSAM SCHEDULED CASTE DEVELOPMENT CORPORATION

In the sanctioning letter No. TAD/353/79/14, dated 22nd March 1980 following were sanctioned during 1979-80.—

- (a) Rs. 12 lakh as share capital for the Corporation. It has been utilised for the purpose.
- (b) Rs. 5 lakh for Bankable Schemes to be implemented by the Corporation. The amount has been utilised by the Corporation in the implementation of Bankable Schemes.
- (c) Rs. 19.34 lakhs for grants to patients suffering from T. B. and other diseases/Housing subsidies/grant for self-help scheme/rehabilitation for landless agricultural labourer/grants for purchase of text-books and uniforms/subsidies for purchase of bullocks and agricultural implements/grants to private enterprises for cattle and poultry farms/subsidy for fishery development/grants to non-official organisations.

Rs. 19,13,350.00 have been released by the Corporation to various Sub-Divisional Welfare Officers, leaving a balance of Rs. 20,560.00. The Corporation has been asked by the WPT & BC Department to obtain a feed-back from the Sub-Divisional Welfare officers regarding the utilisation of the amounts released to them for the sanctioned purposes.

The Corporation has utilised the balance Rs. 20,650.00 in the repairing of their vehicle.

The Pre-Examination Training to Scheduled Caste and Scheduled Tribes candidates who would be appearing in the Civil Service Examination and other competitive examinations (vide recommendation in para 1.12.13).

On the basis of past experience, the Administrative Staff College of Government of Assam, Khanapara has taken steps for improving the Pre-Examination Training Course for Central Civil Services etc. examinations, which include both General as well as Scheduled Caste and Scheduled Tribe Candidates.

As regards payment of stipend to the S. C. and S. T. candidates, the WPT & BC Department has issued standing instructions vide No. TAD/EDN/428/82/492, dated 13th October, 1987 that stipend may be given to the Scheduled Caste and Scheduled Tribes candidates on the basis of attendance as indicated below :—

- (a) The trainee is to attend minimum 90% of the total class held during the training period.
- (b) The trainee concerned is to apply for leave of absence for remaining 10% classes held, subject to the satisfaction of the authority, i. e. the Administrative Staff College Authority, who may grant leave to the trainee.
- (c) In exceptional cases, such as on medical ground the authority of the Administrative Staff College may consider payment of stipend to the classes held.

The Director of Social Welfare, Assam has been requested to obtain the utilisation certificates from the concerned District Social Welfare Officers on a priority basis. He informs that he has, meanwhile received the utilisation certificates in respect of the grants released to Silchar Municipal Board, Tezpur Municipal Board, Moran Town Committee and North Lakhimpur Municipal Board. He has been again requested to obtain the utilisation certificates in respect of the remaining ones.

Observation/Recommendation

12.3.1. For proper appraisal of the matter, the audit Para. 6.6. of the Report of the Comptroller and Auditor General of India (civil) for the year 1980-81 on which the former Committee (at Annexure-I) formulated their observations and Recommendations after examination of relevant records and oral evidence of the Departmental witness in the 38th Report is re-produced below :

(a) A Centrally sponsored scheme for construction of girls' hostels for Scheduled Castes/tribes was taken up in 1979-80 which provided that the expenditure on construction would be borne by the Government of India and the State Government in equal proportions. Rs. 7 lakhs were received from the Government of India during 1979-80 for implementation of the scheme. On the basis of the sanction accorded by the State Government (March 1980), the Director for Welfare of Plains Tribes and Backward Classes drew Rs. 12 lakhs for construction of hostels and paid (April 1980) to Assam Plains Tribes Development Corporation (Rs. 8 lakhs) and Assam State Development Corporation for Scheduled Castes (Rs. 4 lakhs). It was observed (February 1981) in audit that the selection of sites for hostels had not been made and entire amount was lying unutilised with the Corporations (April 1982).

(b) On the basis of Government sanction (March 1980) the Director of Welfare of Plains Tribes and Other Backward Classes paid (April 1980) Rs. 1.25 lakhs each to the Assam Plains Tribes Development Corporation, the Assam State Development Corporation for Scheduled Castes and the Assam State Development Corporation for Other Backward Classes as grants-in-aid for functional purposes during 1979-80. The specific purposes for which the grants were to be utilised had not been indicated in the sanction. On the basis of subsequent sanctions accorded by the Government (April and June 1980) the Assam Plains Tribes Development Corporation disbursed Rs. 0.51 lakh to ten Organisations at varying rates for cultural activities. Information regarding utilisation of this amount was not available with the department. The balance amount (Rs. 3.24 lakhs) remained unutilised with the Corporations (January 1981).

(c) The Government sanctioned on 20th March 1980 Rs. 27.50 lakhs as grants-in-aid to the Corporation for implementation of bankable schemes like consumption loan, production loan and industrial schemes including Sericulture and Weaving during 1979-80. The Director of Welfare of Plains Tribes and Other Backward Classes had drawn Rs. 27.50 lakhs on 29th March 1980 but disbursed the same to the Corporation only on 11th April 1980. The details of the scheme as well as information regarding utilisation of the grant were not available with the Department nor intimated (September 1982). In March 1980, the Government sanctioned Rs. 26.75 lakhs as grant-in-aid; to people

belonging to Other Backward Classes (Rs. 35.66 lakhs), Scheduled Tribes (Plains) (Rs. 54.75 lakhs), and Scheduled Castes (Rs. 36.34 lakhs) for their welfare and upliftment. In accordance with the terms of the sanction, the amounts were placed at the disposal of three corporations who were to disburse the amounts to the Subdivisional Welfare Officers. The reasons for arranging disbursements of the amounts to the Subdivisional Welfare Officers through the Corporations were not on record. Information regarding disbursement of the amounts to the Subdivisional Welfare Officers and its utilisation was also not available with the department.

(d) During 1970-80, the State Government took up a scheme for pre-examination training to Scheduled Castes and Scheduled Tribes candidates appearing for the State Civil Service Examination. The expenditure on the scheme was to be shared by the Government of India and the State Government in the ratio of 50:50. The Government of India released in March 1980 Rs. 0.75 lakh as their share for implementation of the scheme. The Director of Welfare for Plains Tribes and Backward Classes drew Rs. 1.50 lakhs in March 1980, as grants-in-aid for implementation of the scheme. Test-check of the records of the department (February 1981) revealed that the training had not commenced and the entire amount was lying unutilised in the form of deposit-at-call. No reason for non-implementation of the scheme was on record.

12.3.2. The Public Accounts Committee wants to point-out what was observed in relation to Audit para 3.16.3/ CAG-79-80 and para 8.3.2 of this report applies equally to this para. It appears that Schemes are formulated without assessing the capabilities as the machineries for implementation. In most cases these type of schemes are formulated to meet the central guidelines to avail central assistance attached thereto. Accordingly Public Accounts Committee requires the Department in the light of the recommendation made in para 1.8.5 of the 38th Report to assess about the actual benefit conferred in the light of the utilisation made out of the sanctioned sum and report made available.

SOIL CONSERVATION SCHEMES IN THE HILL DISTRICTS

[Para 2.3.3 & 2.3.4 of the 38th Report of Public Accounts Committee on Audit Para 3-18 Comptroller and Auditor General of India for the year 1974-75 (Civil)]

RECOMMENDATION IN 38TH REPORT

13.1.1. The Committee was not satisfied at all about the working of the Soil Conservation Department and expressed its serious doubts for misutilising or non-utilising the fund allocated during the Forth Five-Year Plan.

13.1.2. The Committee therefore recommends that a high power enquiry committee should be instituted to investigate in to the irregularities in the Soil Conservation Department since its inception. The Committee further recommends that responsibility should be fixed on the person/persons responsible for misutilisation of fund which had retarded the welfare and progress of the people particularly the two Hills Districts of Assam.

REPLY OF THE DEPARTMENT

13.2. The Soil Conservation Department has since constituted the High Power Enquiry Committee as recommended by the Public Accounts Committee to investigate into the irregularities in the Soil Conservation Department vide Notification No. Soil 63/84/142, dated 19th December 1987 (Annexure-IV). The first meeting of the High Power Committee was also held on February 17, 1988 where the Committee insisted upon appointing an Officer-on-Special Duty, for assisting the Committee in enquiry. The proposal for appointment of the Officer-on-Special Duty is under process. The department has taken all possible steps to dispose of the case and the Public Accounts Committee will be informed of the result of the case in time.

OBSERVATION/RECOMMENDATION

13.3.1. It appears that the High Power Committee constituted as per recommendation of the Public Accounts Committee in the 38th Report could not complete their work due to non-availability of relevant files in the Department. The relevant portion of the memorandum submitted subsequently to the Public Accounts Committee by the Department reads:—

"The Soil Conservation Department constituted the High Power Committee as recommended by the Public Accounts Committee vide Government Notification No. Soil 63/84/142, dated the 19th December, 1987 to enquire into the irregularities at various levels in executing the Soil Conservation Schemes from inception in the two Hill Districts. The Committee could not complete the work within the stipulated time and as such the terms of the Committee was extended. But within the extended time also no progress could be achieved in the matter. The reason for delay is the difficulty in locating the relevant files. The Soil Conservation Department was created in the year 1956 and before becoming an independent Department, it was under the Agriculture Department, Welfare of Plains Tribes and Backward Classes Department and then Forest Department. As such locating of the files/documents of such old days has become a difficult task and in fact impossible. In view of the above difficulties, Government considers that more practical approach in the matter, in keeping with the spirit of the recommendation of the Public Accounts Committee. Will be to limit the period of enquiry from 1980-88 and that the Committee should be reduced to one-man Committee to expedite the work'.

13.3.2. In view of the difficulties expressed by the Department, the Public Accounts Committee accepts the request and expects that the report of the one-man Committee will be submitted within a period of 3 months from the date of presentation of this Report before the House.

ANNEXURE-I

COMPOSITION OF THE COMMITTEE ON PUBLIC ACCOUNTS.

(1st Committee from 29th January 1986 to 28th July 1988)

CHAIRMAN

1. Shri Abdul Muqtadir Choudhury.

MEMBERS

2. Shri Joy Prakash Tewari.
3. Shri Sirajul Haque Choudhury.
4. Shri Amritlal Basumatari.
5. Shri Rashidul Haque.
6. Shri Binai Khungur Basumatari
- *7. Shri Durga Das Boro.
- *8. Shri Gunin Hazarika.
- *9. Shri Ganesh Kutum.
- **10. Shri Padma Nath Koiri.
- **11. Shri Abdul Hussain Sarkar.

*Elected to the Committee with effect from 13th August 1986

**Elected to the Committee with effect from 10th April 1987

ANNEXURE--II

No. AAP. 72/80/Pt/160

Government of Assam

Department of Personnel, Personnel (A)

Assam Secretariat (Civil) Dispur.

Guwahati-781006.

ORDERS BY THE GOVERNOR

The 6th February 1986

Whereas Shri D. K. Rabha, IAS (Assam, Meghalaya), while posted as Commissioner of Transport, Assam was placed under suspension vide order No. AAP. 72/80/1, dated the 6th June, 1980 and was proceeded against departmentally by the order No. AAP. 72/80/10, dated the 1st August, 1980 on the following charges drawn up against him.

(1) That while he was functioning as the Managing Director of Assam Plains Tribes Development Corporation Limited, he paid a sum of Rs. 1,50,000/- to his wife Smti. Dipali Rabha and Rs. 15,000/- to his son, Shri Abhijit Rabha as loan for the purpose of house building out of the fund of the said Corporation earmarked for consumption loan. In doing so he has shown personnel favour to his own kith and kin by recommending their cases to the Chairman of the said Corporation on 6th June, 1979 and 28th May, 1979, respectively, standing himself as surety in respect of the amount of Rs. 1,15,000/- paid to his wife.

Shri Rabha by his above actions abused his official powers indulged in nepotism and thereby contravened Rule 4(3) of the All India Services (Conduct) Rules, 1968.

(2) That during the aforesaid period and while functioning in the aforesaid office, the said Shri Rabha, favoured some members of the affluent section of the Plains Tribal people by issuing financial loan to them for construction of house (a non-productive scheme) and for a petrol and Diesel filling station (a purpose other than for consumption loan). In issuing such loans, he, without any authority and prior approval of Government had diverted the allotted amount for non-productive purposes, other than for consumption loan for which purpose the amount was originally sanctioned by Government under letter No. TAD/CO/596/75/97, dated the 29th March, 1976. Shri D. K. Rabha, IAS, by his above action showed undue favour to some underserving persons by misuse of his official position and failed to maintain absolute integrity and devotion to duty, thereby contravening Rule 3(1) of the AIS (Conduct) Rules, 1968.

And whereas, Shri Rabha in his written statement of defence had denied the charges and therefore Shri M. G. Narasimhan, IAS the then Commissioner and Secretary, Finance Department, Government of Assam was appointed as Enquiry Officer to inquire into the charges and submit his report as required under the rules.

And whereas, the Enquiry Officer submitted his report on 4th June 1981 wherein the Enquiry Officer has reached the conclusion that in respect of charge No. 1 Shri Rabha is not found guilty of violating Rules 4 (3) of the All India Services (Conduct) Rules, 1968 but he has violated Rules 3 (1) of the All India Services (Conduct) Rules which enjoins that every member of the service shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of a member of the service, and that charge No.-2 is proved.

And whereas, the Disciplinary Authority taking all aspects of the case into consideration is of the view that the lapses on the part of Shri D. K. Rabha are not merely technical, violator of Rules, and are quite serious as Shri Rabha did not conform to the standard of conduct, probity and integrity expected of a responsible officers belonging to the IAS. and that the punishment to be

awarded to him should be commensurate with the nature of the offence and accordingly decided that the punishment of stoppage of one increment with commulative effect be awarded.

And whereas, the U. P. S. C. after going through the records of the proceeding against Shri Rabha come to the conclusion that the charge of violating Rule 4 (3) of All India Services (conduct) Rules, 1968 is conclusively established in respect of Article I of the charge, the charge of violating Rules 3 (1) of All India Services (conduct) Rules, 1968 in respect of Article—II of the charge is not proved.

And whereas, the U. P. S. C. after taking into account all aspects relevant to the case, advised that the ends of justice would be met if the penalty of reduction in pay by one stage until his superannuation be imposed on Shri D. K. Rabha.

Now, it is, therefore, ordered that the penalty of reduction in pay by one stage until his superannuation, as advised by the U. P. S. C. and accepted by the disciplinary authority, be imposed on Shri D. K. Rabha.

By orders and in the name of the
Governor of Assam,

Addl. Chief Secretary to the Govt.
of Assam.

ANNEXURE—III

No. AAP. 72/80/139

Government of Assam
Department of Personnel, Personnel (A).
Assam Secretariat (Civil) Dispur.
Guwahati—781006

The 22nd March, 1986

ORDER

Whereas disciplinary proceedings under Rule 9 of the Assam Services (Disc. & Appeal) Rules, 1964 were initiated against Shri Kuladhar Kutum, and Officer of Assam Civil Service Class-I vide letter No. AAP. 72/80/23, dated 27th August 1980 with (two) charges framed against Shri Kutum, and Shri M. P. Bezbaruha, IAS then Commissioner and Secretary, Finance Department was appointed Inquiry Officer to inquire into the charges.

Whereas, the appointing authority, taking all aspects of the case into consideration, was of the opinion that Shri Kutum functioned as very in-effective Managing Director and did not show any Officer-like quality or strength of mind and also Shri Kutum had disbursed loans in contravention of Government instructions and by diverting fund and without proper authorities, and as such the minimum penalty of censure was accordingly imposed on Shri Kutum vide Order No. AAP. 72/80/121, dated 27th February 1985.

And whereas, the said Shri Kutum submitted appeal dated 18th April 1985 before the Chief Secretary to the Government of Assam praying that the said impinged order of censure be set aside and the word 'Censure' deleted.

And whereas, the Government have carefully considered the appeal submitted by Shri Kutum and have come to the conclusion that there is a material in his appeal to be considered sympathetically and accordingly decided to exonerate him of the charges.

Now, therefore, in exercise of the powers conferred by rule 23(2) (i), Assam Service (Discipline & Appeal) Rules, 1964, the Governor hereby order that the order of "Censure" issued vide letter No. AAP. 72/80/121 dated 27th February 1985, be set aside and Shri Kutum be exonerated of the charges.

The Governor of Assam is further pleased to order that the period of suspension of Shri Kutum with effect from 6th June 1980 to 26th February, 1981 be treated as the period spent on duty for all purposes.

By order & in the name of the
Governor of Assam.

B. C. THAKURIAH,
Secretary to the Government of Assam.

ANNEXURE—IV

GOVERNMENT OF ASSAM
SOIL CONSERVATION DEPARTMENT, DISPUR

GUWAHATI-6

ORDERS BY THE GOVERNOR OF ASSAM

NOTIFICATION

Dated Dispur, the 19th December, 1987

No. Soil 63/84/142.—The Governor of Assam is pleased to constitute a High Power Committee with the following Members to investigate into the irregularities in the Soil Conservation Department since its inception i. e. from 1959 to 31st March, 1975:

- | | |
|--|------------------|
| 1. Shri H. N. Das, IAS
Director General (Training) | Chairman |
| 2. Secretary, Finance | Member |
| 3. Shri N. C. Chakravarty, IFS
Conservation of Forest | Member |
| 4. Joint Secretary, Soil
Conservation Department | Member-Secretary |

The Committee will have the following terms of reference :—

1. To inquire into the irregularities committed at various levels of administration in executing Soil Conservation Schemes in the State with particular reference to the two hill districts of Karbi Anglong and N. C. Hills as detailed in the 38th Report of Public Accounts Committee (page 27-32)

2. To pin point misutilisation or non-utilisation of funds allotted in implementation of various schemes during the period.

3. To inquire into the performance/achievement of various schemes under the Department and to assess its impact on the Jum Cultivation in the two hill districts of Karbi Anglong and N. C. Hills.

4. To fix responsibility on officials and non-officials for irregularities/illegalities committed in executing the schemes.

5. To enquire into the functioning of various wings of the Department such as Soil Conservation Survey, Soil Conservation Research, Soil Conservation Engineering and Extension wings and to suggest measures for improving the working of the Department.

6. The Committee is empowered to associate any Technical Experts considered necessary from time to time.

7. The Committee will be free to examine any officer either in service or retired and call for any records from Soil Conservation Department or from any other Department of the State Government.

8. The Committee will submit its report within six months of the issue of this Notification.

A. C. CHANGKAKOTI
Secretary to the Govt. of Assam.
Soil Conservation Department.